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EXAMINER	
SHAH, MILAP	
ART UNIT	**PAPER NUMBER**
3714	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/602,619	OKADA, KAZUO	
	Examiner	Art Unit	
	Milap Shah	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the amendment filed on September 27, 2006. The Examiner acknowledges that claims 1 & 2 were amended, claims 4-12 were added, and no claims were canceled. Therefore, claims 1-12 are currently pending.

Claim Objections

Claim 2 is objected to because of the following informalities: Redundancy. Claim 2 appears to be reciting a portion that is already included into its parent claim (claim 1). The "first area" having an opening area where the symbols displayed by the variable display unit are to be seen appears to be equivalent to the portion of independent claim 1 that recites "the front side display unit having a first area for enabling viewing of the symbols displayed by the variable display unit". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "the front side displaying unit does not display any objects on the first area". The Examiner submits it is unclear or not defined what "objects" are specifically. For instance, are objects equivalent to symbols? If so, then no symbols would be displayed in the first area, which appears to be the area in which the variable display is seen through, which contains symbols, thus, it is unclear exactly what "objects" refers to. The Examiner will interpret and examine the claim to mean that none of the

images that are displayed on, for example, a liquid crystal display that is disposed in front of the variable display, overlaps the first area which is considered the "opening" or non-image displayed area of the LCD to allow viewing of the variable display. However, clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 & 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Loose et al. (U.S. Patent No. 6,517,433).

Claims 1, 2, 4, 5, & 12: Loose et al. disclose the same invention including a gaming apparatus comprising:

a) a variable display unit configured to variably display a plurality of symbols (figure 1[reels 12a, 12b, & 12c]);

b) a front side display unit located in the front of the variable display unit (figure 2[flat panel transmissive video display 14a]), the front side display unit having a first area for enabling viewing of the symbols displayed by the variable display (figure 8a, note: the "first area" is the area of the transmissive panel which corresponds to the variable display behind the panel, wherein this area is kept transparent to enable viewing of the symbols displayed on the variable display) and a second area (figure 8a, note the remainder of the area around where the

transparent openings for the symbols are located is considered the "second area"), which surrounds the first area, for enabling displaying images thereon (see figure 3 which explicitly shows imaging only displayed in the "second area" around the "first area").

c) an internally winning prize determiner (i.e. random number generator) configured to determine an internally winning prize (column 3, lines 48-55);

d) a stopping controller configured to stop the varying of display of the variable display unit based on a result of determination by the internally winning prize determiner (column 3, lines 48-55, note a specific "stop controller" is an inherent or included process within the central processing unit);

e) the front side displaying unit not displaying any "objects" on the first area (as described above, figure 3 discloses the situation in which no "objects" are displayed on the first area, however, it is completely up to the programming to determine if images will be displayed overtop or will not be displayed overtop that specific portion of the transmissive panel, thus, Loose et al. anticipates either scenario); and

f) a prize awarded if a stopped state displayed on the variable display unit, which is caused by the stopping controller, matches a prescribed stopping state (i.e. as in any slot machine, if the reels stop at a winning combination based on the pay table, an award is given, see at least the abstract and column 2, lines 25-27).

Claim 3: Loose et al. disclose the stopping of the reels at a predetermined random outcome (see abstract), in which "a plurality of stoppers" is inherent to perform the stopping actions.

Claim 6: Loose et al. disclose the transmissive panel of at least the second area is a liquid crystal display panel (column 2, lines 44-47).

Claim 7: Loose et al. disclose an optional glass cover/window that would be used to "protect the first area and second area" (column 2, lines 66-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al., as applied to claims 1-7 & 12, where applicable, in view of Tsuji et al. (Japanese Publication No. 2000-011725), published January 14, 2000. Note: The Applicant cited this reference and The Examiner is providing a machine translation of the abstract, claims, and detailed description with this action.

Claim 8: Loose et al. discloses the invention substantially as claimed except for explicitly disclosing the use or existence of a backlight set in an end portion of the front display, such as a cold cathode florescent tube or the like, however, Tsuji et al. discloses a cold cathode florescent tube as a backlight for a similar gaming machine in which a variable display (reels) is disposed behind a transmissive panel display, such that the variable display can be seen through the transmissive panel display, wherein the transmissive panel display is capable of displaying imaging around the symbols of the variable display (see at least figures 2 & 7 and paragraphs 0010 & 0016-0026). These two references are considered analogous or equivalent art. One would be motivated to modify Loose et al. with a physical backlight since it is old and well-known to add backlights to gaming machines, and it would have been second nature to one of ordinary skill in the art to have created an embodiment within Loose et al's disclosure to utilize a backlight (as

disclosed in the Background in Loose et al. as being well-known) in place of enhanced visual effects for at least the purpose of reducing energy consumption and costs, since each time the liquid crystal display is started to perform lighting enhancements an increased amount of electricity is used to operate the transmissive panel. Thus, in lieu of using the transmissive panel in lower winning circumstances, it would have been obvious to use a physical light as a backlight. Therefore, it would have been prima facie obvious to modify Loose et al. with a backlight, such as a cold cathode florescent tube for purposes of highlighting for at least the reasons discussed above.

Claim 9: The combination of Loose et al. & Tsuji et al. disclosed above also disclose a reflecting cover set in the end of portion of the front display configured to allow light emitted from the backlight to illuminate the symbols displayed by the variable display unit (see at least figure 7[lamp reflectors 46 or 47] and paragraph 0020).

Claim 10: The combination of Loose et al. & Tsuji et al. disclosed above also disclose a "light guiding panel" configured to allow light emitted from the backlight to illuminate the front display (see at least figure 7[light plate 41] and paragraphs 0016-0026).

Claim 11: The combination of Loose et al. & Tsuji et al. disclosed above also disclose a "scatter panel" configured to scatter light emitted from the backlight towards the light guiding panel (see at least figure [light plate 42 – "scatters" light towards light plate 41] and paragraphs 0016-0026).

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,817,946 issued to Motegi et al. also discloses a similar gaming machine in which a front side liquid display panel is disposed in front of a variable display (i.e. reels).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott E. Jones

SCOTT JONES
PRIMARY EXAMINER

M.B.S.